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United States House of Representatives
Washington, DC 20515

Dear Representative:

On behalf of the three million members of the National Education Association (NEA), and the students they serve, we urge you to VOTE NO on the Student Success Act (H.R. 5), scheduled to be voted on today. While we appreciate that the overall process to reauthorize the Elementary and Secondary Education Act (ESEA) is advancing, *this* bill erodes the historical federal role in public education: targeting resources and supports to marginalized student populations as a means of helping to ensure opportunity for all students regardless of zip code. However, given the concurrent Senate consideration of their version of ESEA (S. 1177), which takes significant steps in the right direction to replace the broken No Child Left Behind Act (NCLB), we recognize that a House bill moving forward is important to getting a final rewrite to the president's desk. In that spirit, it is our hope that significant improvements can be made to H.R. 5 so that it begins to resemble the Senate's more pragmatic balance of many interests. Votes on this bill may be included in the NEA Legislative Report Card for the 114th Congress.

ESEA, known as NCLB for the last 13 years, is the cornerstone of the federal presence in public education and the commitment that a child's zip code should not determine their education. Students, parents, educators, and policymakers recognize that NCLB has not worked—the current system delivers unequal opportunities and uneven quality to America's children. Educators welcome the renewed effort to reauthorize ESEA and stand ready to work with members of both parties to complete a reauthorization that fixes this badly broken law.

Our vision for ESEA

To fulfill America's promise of equal educational opportunity for all, we urge Congress to focus on three core goals in a final ESEA bill:

- **Closing opportunity gaps for students by creating a new accountability system with an “opportunity dashboard” as its centerpiece.** The dashboard should include data, disaggregated by NCLB's current population groups, on attendance and graduation rates, as well as students' access to resources and supports such as advanced coursework, fully qualified teachers, specialized

instructional personnel, high-quality early education programs, and arts and athletic programs.

- **Giving students more time to learn** by addressing over-testing, decoupling standardized tests and high-stakes decision making, and giving states and school districts flexibility to determine which tests provide the most useful information to inform instruction and help students learn.
- **Ensuring that all students have access to qualified educators** who are empowered to focus on what is most important: student learning.

As currently written, H.R. 5 fails to adequately address these principles. More specifically, we are deeply troubled that the bill falls short in several areas, including:

- **Equity.** The bill does not push states enough to narrow achievement gaps, provide equal opportunity, or ensure that all children have access to a well-rounded education that includes music, the arts, and daily physical education.
- **Portability.** The bill allows Title I funds to “follow the child”—i.e., provides a flat dollar amount per child instead of greater funding for greater concentrations of poverty. This approach will lead to less funding for the schools that serve the most children in poverty.
- **Maintenance of Effort (MOE).** The bill eliminates MOE requirements, which would trigger a race to the bottom in state and local spending and violate a driving principal of Title I: using federal dollars to augment state and local support for the students most in need.
- **Annual tests.** Like NCLB, the bill measures schools and students with annual standardized testing in grades 3-8.
- **Charter School Accountability.** The bill fails to address long-standing, significant issues of accountability and transparency in the charter sector. Charter schools should be required to be more transparent about their finances, disciplinary policies, boards, conflicts of interest, and policies that impact student well-being.
- **Funding.** The bill provides insufficient funding. As it says, “The amount authorized for all ESEA programs under the bill is *lower* than the Title I authorization for the last year it was authorized under current law.”
- **“Performance pay.”** The bill promotes pay for performance and appears to encourage using standardized test scores as the primary metric even though today’s tests are unreliable indicators of student learning and therefore not a valid way to measure performance.

- **Professional development.** The bill diminishes the focus on professional development and does not provide enough support to provide it for all school professionals.
- **English-language learners.** The bill merges Title III into Title I, which could lead to a loss of targeted national focus on the needs of English-language learners.

While the overall bill falls well short of what is needed, we do recognize and appreciate that the bill eliminates NCLB's flawed Adequate Yearly Progress (AYP) and its one-size-fits-all system of labeling and punishing schools based solely on standardized test scores; allows for multiple measures of school and student performance; and provides for flexibility for determining the appropriate assessments for students with disabilities.

Amendments

In February, the House voted on multiple amendments to H.R. 5. **Since that time, four additional amendments have been approved by Rules for consideration today:**

- **Rep. Salmon – Support.** This amendment would protect schools from being punished by the 95% participation rule when parents choose to opt their children out of standardized tests.
- **Rep. Walker – Oppose.** This amendment, more commonly known as the A-PLUS Act, would abdicate the federal role in education and permit states to consolidate federal funds for any educational purpose permitted by state law, which could include federal dollars for private school vouchers and could inequitably distribute federal dollars away from students most in need.
- **Reps. Rokita /Grothman – Oppose.** This amendment would unnecessarily shorten the reauthorization period from 2021 to 2019.
- **Rep. Polis – Oppose.** This amendment, while including some positive provisions related to college- and career-ready standards, would essentially restore aspects of Adequate Yearly Progress (AYP), a continuation of the test-based accountability system that is at the root of the failures of NCLB. In addition, we strongly believe that *all indicators* of student and school success in a new law must be disaggregated and this amendment fails to require that.

In addition, several amendments remain pending from earlier this year:

- **Rep. Brownley - Support.** Creates a grant program for states to create or expand bi-literacy seal programs to recognize student proficiency in speaking, reading, and writing in both English and a second language for graduating high school seniors.
- **Rep. Loeb sack - Support.** Supports the expansion of the use of digital learning to partnerships to implement and evaluate the results of technology-based learning practices, strategies, tools, or programs at rural schools.

- **Rep. Thompson (MS) – Support.** Delays implementation of HR 5 until the Secretary of Education determines that its enactment will not reduce the college and career readiness of disadvantaged populations.
- **Rep. Carson - Support.** The amendment supports development of a national research strategy to ensure that students, particularly at risk students, have effective teachers and are being prepared for the future.
- **Rep. Grayson – Support.** Requires the Secretary of Education to conduct an assessment of the impact of school start times on student health, well-being, and performance.
- **Rep. Hurd - Support.** Expresses the sense of Congress that students' personally identifiable information is important to protect as applied to current law.
- **Rep. Polis / Meng / Hanna – Support.** Authorizes funds for the Secretary of Education to provide grants for: early-childhood education scholarships, professional development and licensing credentials, or increased compensation for educators who have attained specific qualifications.
- **Rep. Wilson – Support.** Provides for school dropout prevention and reentry and provides grants to raise academic achievement levels for all students.
- **Rep. Zeldin - Oppose.** We oppose because the federal government is already prohibited from mandating Common Core State Standards, and states have the sole authority to develop and implement standards.

As for the underlying bill, H.R. 5 as it currently constructed, we urge you to VOTE NO, though we are encouraged that both the House and Senate are acting to rewrite the broken system created by NCLB that our students have endured for more than a decade. To that end, the bipartisan Senate bill moves significantly towards minimizing the intense singular focus on test scores to drive decision-making, and incentivizes supports and interventions tailored to local needs and determined more by the professionals who know the names of the students. It is past time for Congress to come together, in a bipartisan way, on a final ESEA bill that advances opportunity for all students regardless of zip code.

Sincerely,



Mary Kusler
Director of Government Relations